

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Gerling & Associates, Inc.,

:

Plaintiff : Case No. 2:10-cv-1074

v.

:

Gearhouse Broadcast Pty Ltd.,

: Magistrate Judge Abel

Defendant

:

ORDER

This case came on for trial before the Court commencing November 12, 2013. A jury was duly empaneled and sworn. Plaintiff Gerling & Associates, Inc. ("Gerling") introduced evidence as to its Complaint for Declaratory Judgment and rested. Defendant Gearhouse Broadcast PTY, Ltd. ("Gearhouse") then introduced evidence as to its Counterclaim. Gerling then presented rebuttal evidence.

The jury rendered a verdict finding in favor of Defendant Gearhouse and against Plaintiff Gerling finding specifically that (1) Gerling breached the purchase contract by failing to timely deliver the trailer; (2) breached the purchase contract by failing to deliver a trailer that met contract specifications; (3) the March 17, 2010 agreement between the Parties included the Gerling and Associates warranty entered as Trial Exhibit 47 ("Warranty"); (4) Gearhouse followed the appropriate protocol set out in the Warranty; (5) Gerling breached an express warranty; (6) there is an implied warranty;

and (7) Gerling breached the implied warranty. The jury awarded damages to Gearhouse as follows: (1) as the result of Gerling's failure to timely deliver the trailer, \$244,204.40 [AUD] for the cross-hire for the A-League soccer matches; (2) as a result of Gerling's failure to deliver a trailer that met contract specifications, \$107,793.90 [AUD] for repairs to the trailer and \$71,575.78 [USD] for the air conditioning units.

There being no just reason for delay, it is ORDERED that JUDGMENT be, and is hereby entered as set forth above, in favor of Defendant Gearhouse Broadcast PTY, Ltd. and against Plaintiff Gerling & Associates, Inc.

It is further ORDERED that all court costs of this action shall be assessed against Plaintiff Gerling & Associates, Inc.

s/Mark R. Abel
United States Magistrate Judge